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COMMITTEE ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Twenty-second session

SUMMARY RECORD OF THE 16th MEETING

Held at the Palais Wilson, Geneva,
on Friday, 5 May 2000 at 10 a.m.

Chairperson: Mrs. BONOAN-DANDAN

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GE.00-41914 (E)

The meeting was called to order at 10.05 a.m.

CONSIDERATION OF REPORTS:

(a) REPORTS SUBMITTED BY STATES PARTIES IN ACCORDANCE WITH ARTICLES 16 AND 17 OF THE COVENANT (agenda item 6) (continued)

Non-reporting States: Republic of the Congo (core document HRI/CORE/1/Add.79; draft concluding observations of the Committee on Economic, Social and Cultural Rights (E/C.12/1/Add.44))

1. The CHAIRPERSON informed the members of the Committee that the Republic of the Congo had been a party to the International Covenant on Economic, Social and Cultural Rights since 5 January 1984, but had not yet submitted its initial report. Although she was aware of the difficulties the Republic of the Congo was currently experiencing, she nevertheless urged the State party to comply with its obligations under the Covenant, failing which the Committee would be obliged to draw up its final observations on the basis of information provided by non-governmental organizations (NGOs) or the press, often highly critical towards the States parties. She nevertheless had the pleasure to announce that a delegation from the Republic of the Congo would be attending the meeting.

2. At the invitation of the Chairperson, the members of the delegation of the Republic of the Congo took places at the Committee table.

3. Mr. MANGA (Republic of the Congo) said that his country, which had attained national sovereignty on 15 August 1960, had become a Member of the United Nations on 20 September 1960 and was also a member of the Organization of African Unity and the Economic and Monetary Community of Central Africa (CEMAC). He confirmed that, since 1984, when the Republic of the Congo had acceded to the Covenant, his country had not been in a position to fulfil its obligations under article 16. That delay was due to various factors, including administrative problems and political instability. He reaffirmed the commitment of the Republic of Congo to the Covenant, which it had always endeavoured to implement.

4. The Republic of the Congo covered an area of 342,000 square kilometres and had 170 kilometres of coastline. It was irrigated by many rivers, the most important being the Congo River. It enjoyed an equatorial climate characterized by high temperatures and heavy rainfall interspersed with dry seasons. It had a population of almost 3 million people, some 60 per cent of whom lived in urban areas. The average population density was 7.6 inhabitants per square kilometre, and the average annual growth rate was 2.68 per cent. Bantus accounted for 97 per cent of the population, and the remaining 3 per cent comprised pygmies, Ubangis and foreigners. The national languages were Lingala and Kituba. French was the official language. Over two thirds of the population were Catholic or Evangelical. A tiny minority was animist. There were also Muslims and some followers of esoteric movements.

5. On attaining national sovereignty in 1960, the Republic of the Congo had inherited an unsatisfactory political and economic situation. At the political level, with the rapid introduction of democratic institutions, several political parties had carried out their activities freely. The

revolution of August 1963 had put an end to that situation. A Marxist single-party regime had remained in power from 1963 until 1990, and had then been challenged, in 1991, by the National Sovereign Conference. In 1992, the Republic of the Congo, which had drawn lessons from 30 years of independence, had decided to establish a genuine democracy by adopting, by referendum, the Constitution of 15 March. As a result, the political organization of the Republic had been altered dramatically: it had become a decentralized, indivisible, secular, democratic and social State in which political groups, associations and parties were formed freely and exercised their activities in compliance with the law. Over 100 had registered with the Ministry of the Interior and Territorial Administration. Unfortunately, as a result of inefficient management of power by the authorities established following the free and democratic elections of 1992, two civil wars had broken out in 1993 and 1997. Those wars had compromised national cohesion and democracy. In 1997, the Government had gone into exile. On 24 October 1997, a Fundamental Act had been promulgated, governing the three-year transition period proclaimed by the National Reconciliation Forum. In December 1998, the deposed former authorities, led by Pascal Lissouba, had started a third civil war that was to trigger the largest movement of displaced persons and refugees in the history of the country. The signing in December 1999, under the auspices of Gabonese President Omar Bongo, of agreements on the cessation of hostilities between the Government and all the opposition militia, had heralded an era of lasting peace. The Fundamental Act of 24 October 1997 had founded the following institutions: the President of the Republic, the Government, the National Transitional Council (interim Parliament), the Judiciary, the Supreme Court of Justice and Ombudsman. To safeguard and to promote economic, social and cultural rights, a number of specialized institutions had also been established, including the National Employment and Labour Office (ONEMO), the Company Formalities Centre (CFE), the National Centre for Statistics and Economic Studies (CNSEE), the Society for Property Management and Promotion (SOPROGI) and the Pan-African Music Festival (FESPAM). At the administrative level, the Republic of the Congo currently comprised 10 regions, 6 municipalities and 83 districts.

6. Under the existing economic and social system in the Republic of the Congo, the State had too large a role in the collection and redistribution of resources. The economy relied essentially on one product, namely oil. The paralysis of the Congo-Ocean railway, the veritable backbone of the economy, the destruction of infrastructure as a result of civil wars and the heavy debt burden had served to exacerbate the decline of the Congolese economy. The per capita annual growth rate, which had risen to 8.5 per cent between 1980 and 1985, had stood at a mere 0.9 per cent between 1986 and 1989. The 1998 level of GDP, 56.9 billion CFA francs, could be broken down as follows: primary sector - 11 per cent, secondary sector - 47 per cent (72 per cent of which had come from the sale of oil), tertiary sector - 42 per cent. The inflation rate currently stood at around 3 per cent. With an external debt of 2,200 billion CFA francs, the Republic of the Congo was the country with the highest level of debt per capita in the world. The global economic crisis, fluctuating oil prices and civil wars were all factors that had contributed to destabilizing the country's socio-economic situation.

7. The quality of the educational system was in sharp decline because of overcrowded classrooms, insufficient and dilapidated buildings and equipment, inadequate scientific and technical training, shortage of teachers, lack of funding and unstable social conditions for teachers. The health sector was also in decline: the infant mortality rate was 124 per thousand, the mortality rate for children under five 96 per thousand, health-care facilities were closed in

rural areas, there was a shortage of health workers and the quality of services left much to be desired. To tackle that situation, the Government had launched a National Plan for Health Development. In the employment sector, figures from the 1994 census indicated a rise in the unemployment rate, from 12.9 per cent in 1990 to 30.9 per cent in 1994. The situation of the social security institutions was cause for much concern, because the freezing of credit and arrears in contributions meant that the payment of benefits had been significantly delayed. That general situation had led the Government to launch a far-reaching programme of social and economic reforms with the help of financial institutions and international cooperation, in order to restore overall macroeconomic equilibrium and to lay healthy foundations for sustainable and balanced development.

8. With regard to the legal framework applicable to human rights protection, it should be emphasized that, since acceding to the International Covenant on Economic, Social and Cultural Rights in 1984, Congo had constantly reaffirmed in its statutes its commitment to the principles of democracy and human rights, in accordance with the Charter of the United Nations, the Universal Declaration of Human Rights, the United Nations Convention on the Rights of the Child, the African Charter on Human and People's Rights as well as the Charter of National Unity and the Charter of Rights and Freedoms adopted by the National Sovereign Conference. Under the Fundamental Act, the President of the Republic was guarantor of fundamental human rights and civil liberties. The National Transitional Council was responsible for the defence and promotion of human rights. The courts participated in the protection of human rights by hearing and determining cases and punishing the perpetrators of human rights violations. The Government departments concerned with justice, foreign affairs, security and territorial administration, health, the economy and finance, advancement of women, labour and education were also involved in promoting those rights, as were rights protection lawyers and associations. The rights covered by the International Covenant on Economic, Social and Cultural Rights were also protected by constitutional and legal safeguards: Fundamental Law, Employment Code, Family Code, Criminal Code, Code of Criminal Procedure, Code of Administrative, Commercial and Financial Procedure, and so on.

9. The legal system of the Republic of the Congo gave international law precedence over national law. Officially ratified conventions were directly incorporated in national law and were legally binding. It should also be noted that the main rights set forth in the Covenant were integrated into the Fundamental Act (part II, "Fundamental Rights"). Thus, article 14 provided that all Congolese citizens were equal before the law and that any act that accorded privileges to nationals or limited their rights by reason of their ethnic or regional origin, political or philosophical opinion, religion, gender or physical state was contrary to the Fundamental Act and punishable by the penalties provided for by the law. Article 33 provided that foreigners enjoyed the same rights as Congolese citizens, under the conditions determined by treaties and laws, subject to reciprocity.

10. Concerning the dissemination of information and publicity about the Covenant, he stressed that the United Nations had played a vital role in the United Nations Decade for Human Rights (1980-1990), inter alia, through its information centre which had made available to the public a significant number of relevant legal texts and documents. At the national level, consumer associations, development NGOs and other human rights associations had been familiar with the Covenant for some time and requested information from specialized services

within the Ministry of Foreign Affairs and the Ministry of Justice. Nevertheless, no real campaign to promote awareness of or to publicize the Covenant had yet been organized. Only researchers, law faculties and a number of civil servants were genuinely familiar with its content. That explained why the Covenant was still rarely cited before an administrative authority or a court.

11. Nevertheless, the Covenant could be cited in legal proceedings. Lawyers, human rights defenders and trade unions were gradually beginning to do that. The application of the principle of the primacy of international law over national law had produced concrete results in the exercise of economic, social and cultural rights, particularly with regard to the right to organize, the right to strike and the equal treatment of workers. Nevertheless, it was proving difficult to implement the Covenant in the Republic of the Congo because of the prevailing political and economic situation.

12. International cooperation was contributing significantly to the implementation of the Covenant. In the area of education, for example, the Republic of the Congo had been unable, by itself, to address the needs and the strong demand for schooling and training. The results achieved in that area had been largely brought about by financial, material and educational contributions under international cooperation arrangements, which had thus contributed significantly to promoting the right to education. In order to guarantee the right to health, the Republic of the Congo had concluded various agreements with all its partners in an attempt to combat endemic, epidemic and other diseases. In the field of science, art and culture, the fact that the Republic of the Congo had acceded to international conventions on the protection of intellectual, industrial and artistic property had led to the creation of national structures responsible for the protection of copyright and patents, such as the branch office of the intellectual and industrial property organization and the Congolese Copyright Office (BCDA).

13. Unfortunately, the Republic of the Congo's commitment to the promotion of economic, social and cultural rights was hindered by the country's heavy debt burden and the shortage of financial resources, which meant that it was no longer able to participate in the timely execution of projects initiated in those fields, thus largely compromising its stated objectives. The Republic of the Congo's participation in the activities of the United Nations in general, and in those of organizations with economic and social functions in particular, reflected its commitment to contributing to the promotion of economic, social and cultural rights.

14. The CHAIRPERSON invited the members of the Committee to continue the dialogue with the delegation of the Republic of the Congo.

15. Mr. CEAUSU (Country Rapporteur) said the State party had acceded to the Covenant on 5 January 1984, while entering a reservation in which it had stated that it did not consider itself bound by the provisions of article 13, paragraphs 3 and 4, which were at variance with the principle of the nationalization of education and monopoly granted to the State in that domain. The State party's initial report had been scheduled for submission by 29 June 1990 and its second periodic report by 30 June 1995. The core document (HRI/CORE/1/Add.79) had been received on 9 July 1996.

16. One source of information on the situation in the country had been the report prepared by the Special Rapporteur of the Commission on Human Rights on the use of mercenaries as a means of violating human rights and impeding the right of peoples to self-determination (E/CN.4/1998/31). The civil war that had erupted in 1997 had seen Mr. Sassou-Nguesso, the current President, seize power, suspend the Constitution, dissolve all State institutions and promulgate the transitional Fundamental Act. In December 1999 a peace agreement had been signed and the National Transitional Council, the interim legislature, had passed a law granting amnesty to all rebels who laid down their weapons by 15 January 2000. Legislative and presidential elections were scheduled for 2001, following the adoption of a new Constitution which was currently at the drafting stage.

17. According to a report from the Henri Dunant Centre for Humanitarian Dialogue, spectacular progress had been made towards the country's pacification since the signing of the peace agreement. Some 600,000 of the 810,000 persons displaced by the conflict had returned to their homes. However, without the international community's financial and moral support and political supervision, the peace process was bound to fail.

18. The Committee on the Elimination of Racial Discrimination, in its concluding observations adopted on 5 March 1999, had remarked on the important ethnic dimension of the armed conflict and deplored the part played by mercenaries in that conflict and the impunity enjoyed by those responsible for violations of human rights. The Human Rights Committee had considered the second periodic report of the Republic of the Congo on 13 and 14 March 2000.

19. According to the United Nations Conference on Trade and Development (UNCTAD), even though the signing of the peace agreements was an encouraging development, the economic situation remained extremely difficult. The country's external debt was alarmingly high (US$ 5 billion in 1998). Oil accounted for 51 per cent of the country's gross domestic product (GDP). At the same time, privatization of the Congolese Road Maintenance Bureau was one of the conditions for the assistance needed for rehabilitating the road network. Expenditures should increase by approximately US$ 1 billion in the 2000 budget, owing particularly to oil revenue. The first encouraging sign that economic life was returning to normal would appear to be the reopening, in late April 2000, of the entire Brazzaville-Pointe Noire railway line, which had been closed for nearly three years.

20. He had a series of questions to put to the delegation with a view to the drafting of the concluding observations. Where did things stand with the post-conflict normalization of economic and social life? What means of subsistence were available to displaced persons and those who had returned to their homes? What was the situation with regard to the external debt, and what stage had been reached in the negotiations with the International Monetary Fund (IMF) and the World Bank? What form had assistance from the international institutions taken since 1997? What were the main provisions of the transitional Fundamental Act for enforcing respect for human rights? What was the legal status of women in marriage, in their relationship with their spouse, in respect of inheritance and in the world of work? What was the legal, social and economic status of the pygmy minority? Was child labour prohibited, and what was the legal age for admission to paid employment? Also inquiring about the country's food situation, he asked to what extent needs were met by domestic production and to what extent by imports. How did matters stand in the health field, especially in the areas inhabited by displaced persons?

What was the scale of the HIV/AIDS epidemic? Was the education system functional throughout the country? What were the primary and secondary school attendance rates? Lastly, was private-sector education now authorized?

21. Mr. SFEIR-YOUNIS (World Bank) said his institution had suspended all credit and project funding to the Republic of the Congo as of July 1997 because of the country's failure to service its debt. The Minister of Finance had undertaken to begin payment of outstanding debt amounting to a total of US$ 58.2 million. The country was largely dependent on outside assistance and oil revenues. Reconstruction costs had been estimated at a minimum of US$ 1 billion at least. Thanks to increased oil prices and the resumption of rail communications, economic growth should attain the 5.2 per cent mark during fiscal 2000. The country was undergoing a period of transition from a centralized Marxist regime to a democracy.

22. The World Bank and the Office of the United Nations High Commissioner for Refugees (UNHCR) had dispatched a joint mission to the Republic of Congo to assess the country's needs during the reconstruction phase, study different arrears reimbursement strategies, coordinate all donor activity and lay the groundwork for resumption of World Bank assistance. The humanitarian situation, still critical despite the marked improvement in safety conditions, would be examined. The reintegration of the 800,000 displaced persons would be no easy task, given the severity of the damage caused by the war to the socio-economic infrastructure. Moreover, the return of former combatants and militiamen to the labour market would pose problems in a context of high unemployment. The Government would need to control spending more effectively and improve tax collection if it wished to make good its arrears of foreign and domestic debt. A coordination exercise would take place in the coming months with a view to the preparation of an assistance programme by the IMF. The Government was still firmly committed to privatizing public enterprises, but it would need to strengthen and accelerate its programme in that field. The Bank was cooperating closely with the Congolese authorities in implementing a number of structural reforms designed to establish a framework propitious to economic activity and to lift all price controls. Banking reform was a priority, as was the strengthening of administrative capacities.

23. Ms. THOMAS (International Labour Office) said that prior to November 1999, the Republic of the Congo had ratified only a few International Labour Organization (ILO) conventions, including those on forced labour and on freedom of association and protection of the right to organize. The reasons for the ILO Committee of Experts' concern at the failure to comply with those two conventions no longer existed, thanks to positive developments in the State party and to the consideration it had given to that Committee's recommendations.

24. The Republic of the Congo had ratified a large number of conventions in November 1999, notably those relating to the most basic workers' rights (labour inspection, collective bargaining, equal pay, discrimination and so forth). Reminding the State party that ratification of conventions was not an end in itself, but merely the start of a process, she said that the ILO was prepared to help the Congo comply with its new obligations within that framework. She urged the authorities to continue their collaboration with the ILO office in Kinshasa, with a view to launching a nationwide awareness campaign, scrutinizing the instruments it had ratified and defining capacity-strengthening priorities and the other measures to be taken. The new

Labour Code was already in need of revision in the light of the State party's new commitments. As matters stood, no project on child labour had been prepared and technical cooperation projects with the ILO were thin on the ground.

25. Mr. SADI asked in what ways the World Bank was helping the State party fulfil its obligations under the Covenant in areas such as housing, health, non-discrimination, education, employment and child labour.

26. Mr. PILLAY asked whether the World Bank was taking special measures to combat poverty which, according to the statistics furnished by its representative, affected 61 per cent of the urban population.

27. Mr. SFEIR-YOUNIS (World Bank) replied that poverty alleviation was the prime objective of World Bank loans. To that end, the Bank was determined to revitalize agriculture, create jobs, establish a short-term safety net and develop long-term human resources. Those matters were being addressed in negotiations with the Government. Health, housing, education, employment and labour were an integral part of the medium-term strategy. Social spending was a central component of the discussions held with the Government. Direct participation in the exercise of economic, social and cultural rights was not in the World Bank's remit, although it took those rights into account in its dialogue with the national authorities.

28. Mrs. JIMÉNEZ BUTRAGUEÑO asked what specific measures the Government was taking to combat violence against women - especially rape - and polygamy, and whether any progress had been made in that area.

29. Mr. ANTANOVICH, noting that the Covenant required that primary education should be accessible to everyone free of charge, asked whether the Government was taking steps to remedy the effects of the civil war and, in particular, to ensure that formerly displaced children returned to school.

30. Mr. MENGA (Congo) explained that, now that the civil war had ended, the situation in his country had improved considerably and, more specifically, most displaced persons had returned to their homes. Also, many of them had recently been living in regroupment camps, the purpose of which was to look after the many Congolese who had taken refuge in forests, where they had lived in conditions of great hardship, especially in terms of sanitation and food. It had now been possible to close virtually all those camps, although the inhabitants of certain wrecked villages had had to be regrouped in other locations. While it was true that NGOs and other international agencies such as UNHCR and the United Nations Children's Fund (UNICEF) had assisted Congolese refugees, global assistance had been paltry, especially compared with the assistance provided in other regions. The Government had done its utmost to bring aid to those refugees. It had made sterling efforts to rebuild schools, the vast majority of which had been reopened, and Congolese NGOs had implemented special remedial education and examination programmes appropriate to the current situation. Private schools had been reopened and parents who could afford to do so were free to send their children there.

31. Mr. KOMBO (Congo) said that the country's economic life was returning to normal with the completion of the pacification process. For example, the authorities were completing repairs to the health, social and educational structures. Since the November-December 1999 ceasefire agreements, people and goods had once more begun to move freely on most of the country's highways. Seventy-five per cent of the railway network had been restored and there was a good chance that rail transport links would shortly be restored throughout the country. Various international organizations, such as the IMF, the World Bank, the African Development Bank, UNHCR and ILO, had recently undertaken a joint mission to the Congo to offer assistance. Following the 1997 civil war, the Government had launched a programme to rebuild health, social and school infrastructures. In June 1998, the World Bank and the IMF had established a countrywide recovery programme, but its implementation had, regrettably, been interrupted at the end of 1998 by the resumption of hostilities. That programme, financed mainly with national resources, had brought about a 5 per cent rise in GDP and increased oil production. There was a good chance that a further programme of the same kind would be launched, and the Government was implementing a three-year economic and social programme to stimulate economic growth and facilitate the effective exercise of economic, social and cultural rights by the population.

32. Ms OBA (Congo) said that national legislation, especially the Fundamental Act, provided for the equality of women in all domains. In particular, the country had ratified the Convention on the Elimination of All Forms of Discrimination against Women. The Family Code also guaranteed sexual equality, except in respect of polygamy. Women were able to participate in decision-making but, since many of them did not have the same standard of education as men, very few stood for election to Parliament. Nonetheless, 9 of the 75 members of Parliament were women. In Government, 2 of the 22 ministerial portfolios were held by women, who exercised responsibilities similar to those of their male counterparts and had not been given traditionally female portfolios. In the area of employment, the principle of equal pay for equal work was observed. Although the pygmies were a national minority, they were fully fledged citizens. Difficulties in their integration stemmed from the specificity of their culture, which many of them were reluctant to renounce. The pygmies were not discriminated against in any way and were being gradually integrated into society, particularly through special programmes.

33. Where children were concerned, the Labour Code established 16 as the age of majority for employment purposes. The Code of Criminal Procedure provided for more flexible treatment for them than for adults; it also provided for juvenile courts to promote the reintegration of young offenders. The rehabilitation centres for children in moral danger had been wrecked during the civil war, and the Republic of the Congo was seeking assistance from the international community to rebuild them. The food situation had been adversely affected by the unstable political situation. Whereas in 1960 domestic production had met 80 per cent of food needs, in 2000 most food was being imported.

34. The preamble to the Fundamental Act stressed that the Congolese people espoused the principles of democracy and human rights as defined in the Universal Declaration of Human Rights and other instruments. Moreover, the Fundamental Act itself established the primacy of conventions over legislation, thus conferring broad legal authority on the various human rights instruments ratified by the Congo, especially the aforementioned Declaration and the two international covenants. Citizens' economic, social and cultural rights were guaranteed by other provisions of the Fundamental Act, including in particular the right to a safe environment;

non-discrimination in employment, which was a sacred right and duty; equality between men and women in political and social life, particularly equal pay for equal work; trade-union freedoms and the right to strike; protection of intellectual property; marriage and family rights; the rights of children, especially those born out of wedlock, who enjoyed the same rights as other children; and finally, the right to public health, of which the State was guarantor, and the right to an adequate standard of living so that everyone could enjoy health and well-being.

35. Mr. GRISSA asked what measures were being taken to protect the environment, and forests in particular. Also, what did the delegation think of the information broadcast in a French television documentary on Elf Aquitaine's role in the Congolese conflict, particularly the allegations of corruption and of embezzlement of oil revenues?

36. Mr. ATANGANA requested details concerning the legal regime applicable to children born out of wedlock.

37. Mr. MARCHÁN ROMERO said the delegation did not seem to be concerned about the problem of polygamy. Its assertion that it was a deep-rooted national custom did not mean that the practice did not contradict the spirit of the Covenant, to which the Republic of the Congo was a party. Did the Government intend to devise a plan or undertake a campaign to change attitudes and eliminate that practice?

38. Mr. WIMER ZAMBRANO inquired about the official Government stance on the family in general and polygamy in particular. Furthermore, how many jobs would be created in the civil service or in sectors such as agriculture and small-scale commerce to ensure that persons displaced as a result of the civil war were reintegrated?

39. Mr. PILLAY noted that the State was implementing structural adjustment programmes, the main components of which were privatization of public enterprises, lifting of all price controls, and broadening of the basis of assessment for the value-added tax (VAT). In implementing those measures, did the Government take account of its obligations under the Covenant and, in particular, did it ensure that the economic reforms did not have a negative impact on the enjoyment by the poor and other vulnerable groups of their economic, social and cultural rights? Since the reforms were being undertaken in collaboration with the World Bank, he asked that institution's representative whether the State party's obligations under the Covenant were taken into account when the reforms were being worked out.

40. He was also disturbed to learn through the Human Rights Committee that the judiciary was not independent in the Republic of the Congo. Not only was there no independent commission responsible for the appointment of magistrates or for disciplinary action against them, but judges were susceptible to outside pressures. Since the independence of the judiciary was indispensable not only for protecting human rights, but also for attracting foreign investment, what measures did the Government intend to take to remedy the situation?

41. Mr. ANTANOVICH requested the delegation to furnish more precise information on the wide-ranging economic and social reforms conducted by the Congolese Government with the assistance of the international financial institutions. Noting with concern the steep rise in the unemployment rate (from 12.9 per cent in 1990 to 30.9 per cent in 1994), he requested up-to-date

statistics broken down by rural and urban areas. Turning to the state of the social security services, he expressed surprise at the coexistence of the National Social Security Fund and the Civil Servants' Retirement Fund. What was the difference between those two schemes and why were civil servants dealt with separately? Could the delegation furnish a more precise description of the social security reforms undertaken?

42. Mr. SADI, returning to the question of polygamy, asked whether that practice was the prerogative of a particular religious or ethnic minority group. Did women agree to live in a polygamous household voluntarily or under duress? Moreover, now that the Republic of the Congo had embarked on the path of democracy, what measures had the Government taken to avert another civil war and install social harmony, without which no country could fulfil its obligations under the Covenant?

43. Mr. THAPALIA asked what proportion of the population lived below the poverty line and what measures had been taken or planned to fight poverty. He also wished to know what percentage of the population had access to drinking water and how that figure had evolved in recent years. Lastly, he asked whether the Government was taking steps to ensure that primary education was accessible to all free of charge, as required under the Covenant.

44. Mr. AHMED welcomed the delegation's statement that Congolese legislation prohibited all discrimination based on sex or ethnic origin. However, other sources had reported a marked disparity between the legal provisions and the reality on the ground. For example, it appeared that women were really victims of discrimination: if their husbands died they forfeited all their inheritance rights; opprobrium was heaped on adulterous women but not on adulterous men; in the field of employment women did not have the right to equal pay for equal work, and they were under-represented in positions of responsibility. The pygmies, too, were victims of discrimination. In a Bantu-dominated society, pygmies did not enjoy equal treatment and were even marginalized in such important sectors as employment, health and education. Even more serious, the country was witnessing a return to the enslavement of pygmies. That ancestral practice enabled a Bantu to become the "master" of a pygmy slave and to bequeath that privilege to his eldest son before his death. He asked what the delegation's position was on those matters.

45. The CHAIRPERSON, speaking in her personal capacity, noted that there was apparently no legal provision protecting women from domestic violence. Sexual violence, particularly armed rape, posed a serious problem in the Republic of the Congo. Moreover, the malnutrition rate was extremely high among children aged under five, displaced persons and adults, especially women. Bearing in mind that the Committee was less interested in legislation than in the reality, could the delegation furnish more precise information on those issues? The delegation could choose to answer all those questions at the next meeting.

46. Mr. MENGA (Republic of the Congo) said that, given the vast array of questions, the delegation preferred to answer them at the next meeting.

47. The delegation of the Republic of the Congo withdrew.

MISCELLANEOUS MATTERS (agenda item 9) (continued)

48. The CHAIRPERSON announced that the Economic and Social Council had re-elected six members of the Committee for a four-year term: Mr. Texier, Mr. Sadi, Mr. Rattray, Mr. Pillay, Mr. Grissa and Mr. Ceausu. Three new members - from Belarus, Costa Rica and Switzerland - would sit on the Committee as of 2001.

49. Mrs. JIMÉNEZ BUTRAGUEÑO, Mr. ANTANOVICH, Mr. CEVILLE and Mr. ATANGANA warmly congratulated the six re-elected members and expressed their satisfaction at the trust thus placed in the Committee.

The meeting rose at 12.45 p.m.